

AMENDMENTS TO THE DRAWINGS:

The attached four sheets of drawings include changes to Figs. 1, 2, 3 and 4. These sheets replace the original sheets including Figs. 1-4.

In Fig. 1, previously omitted numeral 31 has been added.

In Fig. 2, previously omitted numeral 31 has been added and numeral 46 has been deleted.

In Fig. 3, previously omitted numeral 31 has been added and numeral 22 has been changed to 22'.

In Fig. 4, previously omitted numeral 31 has been added and numeral 22 has been changed to 22''.

Attachment: 4 Replacement Sheets

4 Annotated Sheets Showing Changes

REMARKS

This document is in response to the Office Action dated December 27, 2007.

The Examiner has requested that the status of the patent application be updated, which has been done.

The drawings have been objected to because certain reference numerals were missing and other reference numerals had to be changed. The missing reference numerals have been inserted in the replacement sheets and on the annotated sheets of drawing and the reference numerals that had to be changed have been done, as suggested by the Examiner.

The Examiner has stated that the drawings are objected to because they must show each feature of the invention specified in the claims. The Examiner pointed specifically to claims 4 and 11. Claims 4 and 11 both claim an integrated plastic washer, a device common to a compression nut, which was not shown in the drawings. Applicant has canceled claims 4 and 11.

Corrected drawing sheets in compliance with 37 C.F.R. 1.121(d) are filed herewith and attached hereto. There are four replacement sheets for the four sheets of drawing and four annotated sheets as required.

The disclosure was objected to because of informalities on page 5, line 113 and page 8, line 165. Both paragraphs

containing those informalities have been corrected and the amended paragraphs set forth in this document. Reference numeral 46 has been deleted from the drawings as unnecessary, and drawing numeral 44 is explained in the specification. No new matter has been added.

The Examiner, in paragraph 4, has objected to the specification as failing to provide a proper antecedent basis for claimed subject matter. Applicant hereby traverses this objection. There is proper antecedent basis for the various terms stated, as quoted by the Examiner. With respect to a "transparent dome", on page 7, line 157 of the specification there is stated a "lower dome bowl 22' is made of a transparent material", thus it is a transparent dome. A cone-shaped indicator is specifically described in the specification on page 8, line 168-169, in which it states "a cone-shaped indicator 37".

A flexible conduit is specifically set forth on page 8, line 164, in which it states "a flexible exit conduit line". The specification has been amended to include the terminology "means to seal" in the paragraph beginning at line 143. No new matter has been added to the specification.

Claims 1 to 13 have been rejected as indefinite for failing to particularly point out and distinctly claim the subject

matter, which Applicant regards as the invention. The Examiner states that claim 1 is unclear as to whether the influent drain line and effluent exit line are intended to be part of the claimed combination, since structure of the "drain trap" is defined as being connected thereto. This rejection is respectfully traversed. Claim 1 clearly states that the invention is a drain trap for a sink having an influent drain line and an effluent exit line. The influent drain line and effluent exit line belong to the sink, not to the drain trap, and therefore the influent drain line and the effluent exit line are not part of the claimed structure, which is the drain trap. The claims have been amended to more clearly point this out.

The Examiner remarks that the claim hierarchy does not appear to be in accordance with the MPEP. Any claims remaining at allowance may be renumbered if required.

The Examiner has rejected claim 8 as being anticipated by Bower. This rejection is respectfully traversed. While the Bower reference discloses a drain trap comprising a lower bowl and a sealed cover it does not disclose a vertical conduit. As stated by Bower, and as is obvious from the drawing and the disclosure, structure A is the inlet pipe which brings the influent waste into the trap. Bower does not have a vertical conduit inside of the cover, which is an integral part of the

cover and formed monolithically as a part of the cover. Bower simply has the influent drain line pass directly into the trap. The drawing clearly shows that it is not a part of the cover. Applicant's vertical conduit makes Applicant's trap adjustable and ensures that the terminal end of the vertical conduit will always be long enough to reach below the water level, as required. Bower does not deal with removing the trap from an existing sink and replacing it with a dome trap, which is adjustable so as to fit any sink, regardless of the length of the influent drain line.

In addition, Bower has a mechanical trap. It has a "valve mechanism --- such as a ball or float," Col 2. Applicant's trap has no mechanical parts and is thus far more reliable with no moving parts that can fail. Even Bower states, Col. 2, that, "a person may, by looking through the glass, see whether the valve is in proper working order", recognizing that the valve can malfunction. Applicant's trap cannot malfunction, since it has no moving parts.

Claims 8-13 have been rejected as being unpatentable over Bower and Uriarte. This rejection is respectfully traversed. Bower has been discussed above. Uriarte discloses a mechanical trap in which his liquid closing device comprises a body "8" capable of floating on the liquid. Body 8 comprises a membrane

which can be easily clogged by common foreign particles. The object of Uriarte's floating body is to make it unnecessary to have a pipe reach into the liquid in the liquid chamber. This floating body is not applicable, in any way, to Bower's device, which has no place for a floating membrane. There is simply no basis for putting Bower and Uriarte together. Uriarte's membrane has no use in Bower's device and provides no disclosure of Applicant's device. Applicant, on the other hand, has a long, solid vertical line which reaches below the water line and yet is highly adjustable so that the exit line of the trap and the effluent exit line of the existing building structure can be connected together.

The Examiner further refers to Uriarte as disclosing a vertical conduit 4 that has been formed monolithically with a sealed cover 2. However, structure 4 of Uriarte does not represent a vertical conduit, as Uriarte states it is a "tube stub" which ends at a level designated at numeral 5 and fails to pass down below the water line in the trap 6. That is also shown because below tube stub 4, there is the membrane assembly 8. In addition, in column 2 beginning at line 15, Uriarte clearly states that the pipe stub 4 is integral with the upper part 2 of housing 1, it does not extend below the upper part 2.

Even more so than Bower, Uriarte's device has mechanical moving parts which can malfunction. Applicant's trap has no moving or mechanical parts and is therefore much more reliable.

In addition, the independent claims have been amended to state that the threaded connection between the dome bowl and the cover is tightened and removable by hand. Bower's device requires a lug or wrench seat, Col. 2. Uriarte's bottom part 6 is not separately removable from the housing 1.

While Uriarte states that a housing 1 may be made of synthetic material Uriarte does not specifically state what the bottom portion 6 is made from.

Claims 1-7 were rejected as being unpatentable over Bower and Uriarte in further view of Budde and Olive. Bower and Uriarte have been discussed above. While Budde discloses a cone shaped element Z, cone shaped top K is only part of a displacing cone Z, of greater diameter than the inlet tube and having its side walls in line vertically with the annular space or chamber S, col. 1, lines 47-51. The purpose of the displacing cone Z is to deflect all solid matter falling upon it, preventing it from lodging. Budde points out that sufficient space is left between the cone and the discharge end of the inlet tube for the passage of solid matter. In fact, cone Z leaves little room outside of the cone for water and solid matter to accumulate. Structure Z

is actually a large cylindrical bottom section with a small cone top, which is for an entirely different purpose than Applicant's cone shaped indicator 37, which does not have a cylindrical base and is present just to indicate the height of accumulation of waste.

Olive does disclose a flexible section of pipe to allow the pipe to be moved vertically up and down or horizontally side to side. However, Olive does not disclose any portion of the drain trap being claimed by Applicant.

In view of the amendment to the claims and the arguments presented, Applicant believes that the claims are now in condition for allowance.

Conclusion

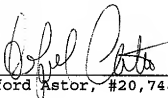
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Sanford Astor (Reg. No. 20,748) at the telephone number of the undersigned below, to conduct a telephonic interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/810,009

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

By

A handwritten signature in dark ink, appearing to read "Sanford Astor", is written over a horizontal line.

Sanford Astor, #20,748

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